

CABINET – 11TH DECEMBER 2013

SUBJECT: FOOD HYGIENE RATING (WALES) ACT 2013

REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To seek Cabinet's approval of a fee for food business establishments submitting re-rating applications under the Food Hygiene Rating (Wales) Act 2013 and associated Regulations.

2. SUMMARY

- 2.1 The Food Hygiene Rating (Wales) Act 2013 and Regulations introduces a mandatory Food Hygiene Rating Scheme from the end of November 2013. The Act states that an operator of a food business establishment must pay the reasonable costs of the re-rating as determined by the Local Authority. Approval is sought for a fee of £150 per re-rating.

3. LINKS TO STRATEGY

- 3.1 Food law enforcement is a statutory duty of the authority and contributes towards the Healthier Caerphilly priority within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers.

4. THE REPORT

- 4.1 The Food Hygiene Rating (Wales) Act 2013 and Regulations introduce a mandatory Food Hygiene Rating Scheme from the end of November 2013 which require the mandatory display of food hygiene ratings at food business establishments. Food Hygiene Ratings are awarded to businesses following an unannounced food hygiene inspection.
- 4.2 The Act states that an operator of a food business establishment must pay the reasonable costs of the re-rating as determined by the Local Authority, and that payment may be required in advance of the re-rating being carried out. The reasonable costs per re-rating visit has been calculated at £150 as detailed in Appendix 1. It is proposed that this fee is required to be paid in advance.

5. EQUALITIES IMPLICATIONS

- 5.1 None directly arising from this report and its recommendations.

6. FINANCIAL IMPLICATIONS

- 6.1 The charge for re-rating of £150 will result in some additional income. The number of re-rating applications received may have an impact on the ability of the team to carry out the high risk food hygiene inspection programme. The work programme will be monitored and resources allocated to this function will be reviewed as appropriate.

7. PERSONNEL IMPLICATIONS

- 7.1 It is unclear how many applications for re-ratings will be received from food businesses once the mandatory Food Hygiene Rating Scheme is introduced. Under the Act it will be mandatory for businesses to display their food hygiene rating, which will prompt some businesses to submit an application for re-rating. Any increase in re-rating applications will have a negative impact on the ability of the service to meet inspection obligations under the Food Law Code of Practice, where the priority is dealing with high risk and non-compliant businesses. The workload will be monitored and consultation with staff and their representatives will be undertaken as appropriate.

8. CONSULTATIONS

- 8.1 The report has been sent to Consultees listed below, and there are no consultation responses, which have not been reflected in the recommendations.

9. RECOMMENDATIONS

- 9.1 That Cabinet consider the content of this report and agree:
- (a) a fee of £150 for each re-rating;
 - (b) that payment will be required in advance of the re-rating being carried out.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 In order to comply with statutory requirements, to recover reasonable costs, and to ensure proper and effective implementation of the legislation.

11. STATUTORY POWER

- 11.1 Food Hygiene Rating (Wales) Act 2013 and the Food Hygiene Rating (Wales) Regulations 2013. The discharge of duties under the above legislation is a Cabinet function.

Author: Michele Wehden, Senior Environmental Health Officer
Consultees: Councillor David Poole, Cabinet Member for Community & Leisure Services
Sandra Aspinall, Acting Deputy Chief Executive
Rob Hartshorn, Head of Public Protection
Daniel Perkins, Head of Legal & Democratic Services
Ceri Edwards, Environmental Health Manager
Gail Williams, Interim Monitoring Officer
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)
Sian Phillips, HR Manager
Mike Eedy, Finance Manager

Background Papers:
Report to Cabinet 16th October 2013

Appendices:
Appendix 1 Calculation of re-rating fees.